



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.08.2016
CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

WEB COPY

Crl.O.P (MD) No.13911 of 2016

1.Veerabahu
2.Arumugam
3.Thiripurasundari
W/o.Muthukumarasamy
4.Jayalakshmi
5.Veerabahu @ Karthi
6.Thiripurasundari
W/o.Sonachalam

.. Petitioners/
Respondents

Vs.

Gomathi

.. Respondent/
Petitioner

PRAYER:Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to direct the learned Judicial Magistrate, Sankarankoil to expedite the trial in M.C.No.16 of 2012 within a time frame.

For Petitioners

:Mr.D.Ramesh Kumar

ORDER

It is an application seeking a direction to the learned Judicial Magistrate, Sankarankoil to expedite the trial in M.C.No.16 of 2012 within a time frame.

2.Heard the learned counsel for the petitioners. In view of the limited relief sought for, notice to the respondent is dispensed with.

3.The learned counsel for the petitioners would submit that the respondent herein, who is the wife of the first petitioner herein, has filed a petition under Section 12 of the Domestic Violence Act, seeking a direction to the petitioners 1 to 6 herein not to harass her under the guise of demanding dowry and gold jewels and to direct the 1st petitioner herein to pay a sum of Rs.7,000/- p.m. as maintenance to maintain herself and their child. While so, seeking a direction to the learned Judicial Magistrate, Sankarankovil, to dispose of M.C.No.16 of 2012 within a stipulated time, the petitioners herein filed Crl.O.P.(MD).
<https://hdservices266677.gov.in/fcser/2001>
2012 and this Court, vide order dated 26.06.2015, directed the learned Magistrate to dispose M.C.No.16 of 2012 within a period of six months.



4.The learned counsel for the petitioners would further submit that even after specific direction issued by this Court, the learned Magistrate adjourned the case without any reasons and at last, the petitioners filed a memo on 15.07.2016 stating that the 1st petitioner is ready to pay maintenance of Rs.7,000/- and that they would not harass the respondent herein under the guise of demanding dowry and gold jewels. Even thereafter, the learned Magistrate simply adjourned the matter. Hence, the petitioners have come up with this petition seeking the very same prayer.

5.When this matter came up for hearing on 08.08.2016, this Court called for remarks from the learned Magistrate with regard to the prayer made in this petition and the earlier order passed by this Court dated 26.06.2015. The learned Magistrate has submitted his explanation by his letter dated 12.08.2016, in which it is stated that as the respondents 1 to 6 did not appear before the Court through their counsel properly; they have not filed counter affidavit in this case till date; and the petitioners 2 to 6 have not signed in the adoption memo, the learned Magistrate is unable to dispose of the case within the time as stipulated by this Court.

6.Under such circumstances, the petitioners herein are directed to either reproduce the same memo in proper form or file counter affidavit forthwith. Having regard to the fact that the claim for maintenance of Rs.7,000/- has been accepted by the first petitioner / husband, there may not be any difficulty for the Court below to dispose of M.C.No.16 of 2012 within a limited time. Accordingly, the learned Judicial Magistrate, Sankarankovil is directed to dispose of M.C.No.16 of 2012 within a period of one month from the date of receipt of counter affidavit or memo to be filed by the petitioners herein.

7.This Criminal Original Petition is accordingly disposed of.

Sd/-
Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To
The Judicial Magistrate, Sankarankovil.
gcg
RL/2C/2P/SKS/RR/SARIII/30/8/2016

Cr1.O.P(MD)No.13911 of 2016